

1904-028 Chancery Causes: Ludy Denny vs. Charles E. Denny
Lee Co.

Court, Sprinkle

CA-Divorce

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining your Oratrix, Ludy Denny, would respectfully show unto your Honor that on the 20th day of October, 1896 she was joined in the bonds of matrimony to one Chas.E.Denny, that she, as well as the said Chas. E.Denny, were at that time and have ever since been residents of said County of Lee and domiciled therein.

Your oratrix will now show your Honor that she lived happily with her said husband at his home in Jonesville, Lee County, Virginia, for some months after their said marriage, but that after a time her said husband seemed to become greatly dissatisfied with living with and cohabiting with your oratrix, and finally on the ____ day of _____, 1897, he told your oratrix that he would not longer live with her, demanded that she go back to her mother's home, and when she refused to do so, he deserted her, leaving his own home and going to another house where he boarded, leaving to your oratrix no other refuge than to go back to her mother' and father, where she has ever since been residing. Your oratrix has been, ever since her marriage to the said defendant, a true and faithful wife, and she has tried by every means within her power to induce her said husband to return to her that they might live together as husband and wife, but for nearly seven years all her efforts have been futile, and the said husband has steadily refused to live with your oratrix or to give to her any support or aid in the support of herself or children.

Your oratrix will now show your Honor that as a result of her marriage to the said Denny she had had born to her two children, the first of which being a boy now between seven and eight years old who was born a few months before her said husband abandoned her, the second being a girl, who was born a ~~some~~ months after said abandonment.

The prayer, therefore of your oratrix is that the said Chas. E.Denny be made a party defendant to this bill, that he be re-

quired to answer the same, but not under oath, as an answer under oath is expressly waived, and that upon a final hearing that a decree may be entered by your Honor dissolving the bonds of matrimony now and heretofore existing between your oratrix and the said Chas. E. Denny, and granting to your oratrix an absolute divorce, and giving to her the care and custody of her said ~~two~~ children.

And she will ever pray &c.

Geo. P. Criddle p.g.

Ludy Denny
vs. { Intely
Chas. E. Denny
Bill

1904 1st May rules Bill
filed Spa. executed
2nd May rules case
set for hearing

Clerk	\$3.11	{ paid
Atty.---	15.00	
Court.---	75-	
	<u>\$18.86</u>	

Ludy Denny, - - - - - Plaintiff

vs.

In Chancery.

Chas.E.Denny, - - - - - Defendant.

This cause came on this day to be heard on the bill of the plaintiff the depositions of witnesses, and was argued by counsel

And it appearing to the Court that process has been served upon the defendant the time required by law, and that cause is regularly matured for hearing, and that the defendant has failed to appear, answer, plead demur or make any kind of defence to said bill and it appearing from the depositions of the witnesses that said defendant has abandoned the plaintiff and that said abandonment occurred more than three years ago and that since said abandonment said defendant has failed and refused to live with the plaintiff or to provide anything for her support and maintainance or in any way to recognize her as his wife, in consideration whereof, it is adjudged ordered and decreed that the bonds of matrimony heretofore existing between the plaintiff and defendant be and the same are hereby dissolved, and the custody of the town children, the fruits of said marriage is awarded to the plaintiff; and it is further adjudged ordered and decreed that the plaintiff recover of the defendant her cost in this behalf expended, for which execution may issue.

And this cause is stricken from the docket.

Ludg Deeny
vs. }

Chas E. Deeny

En. C. B. No 2,
page 452

Enter this Deeny

H. A. W. Stuen

May 16 1904

Tax costs

N-O-T-I-V-E.

To Mr. Chas. E. Denny:

You are hereby notified that on the 7th day of May, 1904, at the law office of A.M. Goins, in the town of Jonesville, Virginia, between the hours of 6 A.M. and 6 P.M. of that day, I shall proceed to take the depositions of A.J. Couk and others, to be read as evidence in my behalf in a certain suit in equity now depending in the Circuit Court of Lee County, Virginia, wherein I am plaintiff and you are defendant; and if from any cause the taking of the said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day, or from time to time, at the same place, and between the same hours until the same shall be completed.

Respectfully,

Ludy Denny,

By Counsel

Geo. P. Eridlin
Attorney for Ludy Denny.

Ludy Denny
vz. {

Chas. E. Denny

Notice to Take
Depositions

I accept legal
service of the within
notice this May 5th 1904

Chas. E. Denny

The depositions of A.J.Couk and others, taken before me, A.M. Goins, a commissioner in Chancery for the Circuit Court of Lee County, Virginia, on the 7th day of May, 1904, at the law office of A.M. Goins in the town of Jonesville, Virginia, pursuant to notice hereto attached, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in chancery now depending in the Circuit Court of Lee County, Virginia, in which Ludy Denny is plaintiff and Chas. E.Denny is defendant.

Present Geo.P.Cridlin, attorney for plaintiff; and,

Chas.E.Denny, defendant, in his own proper person.

A.J.Couk a witness of lawful age, being duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence.

A.-- I am 29 years old, my occupation now is clerking in store, and I reside at Jonesville, Virginia.

Q.2.-- Are you acquainted with the plaintiff Ludy Denny and the defendant Chas.E.Denny, in this case, and if so how long have you known them?

A.-- I am acquainted with both Ludy Denny and Chas.E.Denny, have known both since childhood.

Q.3.-- Please state whether you were present ⁱⁿ and saw the plaintiff and defendant married, and if so state when said marriage took place?

A.-- I was present and saw said Ludy Denny and Chas.E.Denny married. They were married by Rev. D.V.York, at Jonesville, Virginia, about the 20th day of Oct. 1896, as I now remember.

Q.4.-- Please state if said parties lived together after their marriage, if so how long, and if they afterwards separated, state when this occurred and what you may know about it.

A.-- Said parties did live together a few months, I do not know exactly how long, and they did then separate. Chas. E.Denny told me that he would not live with her, that he would not stay there while she was there, and he further told me that he was going to make her leave, and she did about that time go back to live with her mother. This separation occurred within less than a year after said marriage, and they have never lived together since.

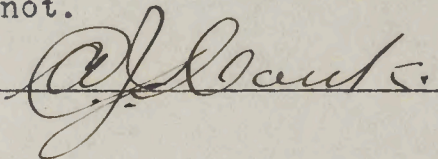
Q.5.--

Chas.E.Denny has told me several times since the separation about her sending to him for things, and said that he would not send them to her, and that he never intended to live with her again.

Q.5.-- State whether or not said Chas.E. and Ludy Denny have been residents of this County for more than a year prior to the 30th day of April, 1904, the date of the institution of this suit?

A.-- They have been residents of this county for said time and much longer.

And further thid deponent saith not.



M.D.Denny another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, place of residence and occupation.

A.-- I am 25 years old, reside at Jonesville, Lee County, Virginia, and am a stone mason.

Q.2.-- Are you acquainted with the plaintiff Ludy Denny and the defendant Chas.E.Denny in this case, and if you state that you are please state how long you have known them, and what relation, if any you are to them.

A.-- I do know said parties, have known them since childhood, Chas.E.Denny is my brother.

Q.3.-- Please state if you knew of the marriage of said Ludy and Chas.E.Denny, and state whether or not they lived together and for ~~any~~ what time thereafter.

A.-- I heard of the marriage, it occurred about eight years ago, and Chas. brought Ludy home where they lived together as husband and wife about six months.

Q.4.-- Please state, if you know, whether the said Chas.E.Denny deserted or abandoned the said plaintiff Ludy Denny and refused to lived with her, when same occurred and all you know about the matter.

A.-- After they had been living together for about the period of six months, Chas. Denny left home and refused to come back and did not return until his said wife went to live with her mother. This occurred about seven years ago, and they have not lived together since that time.

Q.5.-- Are the said Chas.E.Denny and Ludy Denny now residents

of the County of Lee, and have they been residents of said County for more than a year before the 30th day of April, 1904?

A.-- They are both residents of Lee County and have resided in said County for more than one year prior to the 30th day of April, 1904. In fact they have always lived in Lee County except that Chas.E.Denny went west and staid there a year or two but this was before he married.

And further this deponent saith not.

M. D. Denny

C.R.Srpinkle, another witness of lawful age being duly sworn deposes as follows,

Q.1.Please state your age, occupation and place of residence.

A.-- I am 29 years old, am editor and publisher of Southwest Virginian, and reside near Honesville, Virginia.

Q.2.-- Are you acquainted with Ludy and Chas.E.Denny, and if so how long have you known them

A.-- I am acquainted with said parties, and have known them all of my life.

Q.3.-- Please state if you know of the fact of said Chas.E.Denny deserting and abanding the said Ludy Denny after his marriage to her. State what you know about the matter.

A.-- I heard of the fact at the time of his leaving her and going to Mr. B. F. Miles' to board, I suppose I knew the fact at the time but I cannot now recall it, but I do remember that I heard of the fact, and I know that afterwards she went back to her mother's to live and that she and the said Chas.E.Denny have never since lived together. It was some few months after their marriage that I heard of his leaving her and it was soon after I heard of his leaving that she went to her mother's.

And further this deponent saith not.

C. R. Sprinkle

Virginia, Lee County, to-wit:

I, A.M. Goins, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of A.J. Couk, M.D. Denny and C.R. Sprinkle were taken, sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 7th day of May, 1904.

A. M. Goins
Commissioner in Chancery.

[Faint, illegible handwritten text, possibly a list or ledger, covering the lower half of the page.]

Ludy Denny
vs. f

Chas. E. Denny

Depositions of
A. J. Cook

W. D. Denny

C. K. Sprinkle

Courier's fee
for taking deposi-
tions 1^{hr.} .75

Paid by Plaintiff

Filed May 7th 1904
by A. M. Gorin Cour.
In Chy. taking same

H. P. King clerk.
1900 to 10

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Chas. E. Denny

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *first* Monday in *May* *1894*, to answer a
bill in chancery exhibited against *him* in our said court by

Ludy Denny

And have then there this writ. Witness, *H. C. T. Ewing*
~~A. B. Munsey~~, Clerk of our said Court, at the
court-house, the *30th* day of *April* *1894*, and in the 12 *8* year of the
Commonwealth.

H. C. T. Ewing Clerk.

Ludy Denny
us. SUBPOENA
IN CHANCERY

Chas. E. Denny

Geo. P. Cridler p. q.

To First May Rules.
Circuit Court.

I have by a copy of legal notice of the within
affa. in Chancery. Dated April 30th, 1874.
Chas. E. Denny